MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION OPEN MEETING MINUTES NOVEMBER 22, 2022

This meeting was held via internet and telephone conference call.

Trustees Participating:

William Allen, Chair

Cricket Goodall, Vice Chair

Steve Connelly, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture

Alex Butler, representing Comptroller Peter Franchot

Joanna Kille, representing Treasurer Dereck E. Davis

Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland

Department of Planning

Gilbert "Buddy" Bowling

Catherine Cosgrove

Gary Dell

Elizabeth Hill

Joseph Wood

J. Bruce Yerkes

Trustees Absent:

Others Participating:

Michelle Cable, MALPF Executive Director

Chana Turner, MALPF Administrator

Sarel Cousins, MALPF Administrator

Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator

Patrick Martyn, Assistant Attorney General, Department of General Services

Mike Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture

Megan Benjamin, Baltimore County Program Administrator

Beth Beales, Caroline County Program Administrator

Carla Gerber, Kent County Program Administrator

J.P. Smith, Jr., Carroll County Program Administrator

Mr. and Mrs. Hobson, Carroll County landowners

Donna Landis-Smith, Queen Anne's County Program Administrator

Summer Roen, Calvert County Staff

Will Lefort, Appraiser, Department of General Services

Julie Enger, Appraiser, Department of General Services

Steve McHenry, MARBIDCO

Allison Roe, MARBIDCO

Stacy Kubofcik, MARBIDCO

Mr. Allen, Chair, called the meeting to order at 9:04 a.m. via internet and telephone conference call. Ms. Cable stated the names of the participants on the conference call, for the record, and asked anyone that was not named to identify themselves.

i. APPROVAL OF MINUTES

A. Approval of Open Minutes from October 25, 2022.

Motion #1: To approve minutes from October 25, 2022.

Motion: Yerkes Second: Dell

Status: Approved

II. ADDITION / DELETION OF AGENDA ITEMS

N/A

III. ANNOUNCEMENTS

Ms. Cable asked the county staff that were on the call whether anyone had any announcements to make: there were none.

Ms. Cable shared that members of the Board and Staff participated in a field trip to Winbak Farm in Cecil County. It is a Standardbred breeding farm, and everyone learned a lot about the operation and the equine industry in general. Field trips will resume in the spring of 2023.

Ms. Cable asked the Board if they wanted to continue holding the meetings virtually, or if there was interest in holding any in person meetings in 2023. The Board expressed their support for remaining virtual, and commented on the benefits that it has provided the last few years.

Ms. Cable asked all participants to keep themselves muted, and when unmuted, to clearly state their names before asking a question, or making a motion, etc. She reminded the Board members that when motions were made, Board members only needed to state their names if they were voting in opposition to the motion, rather than saying "aye" to vote in favor of a motion.

IV. EASEMENT AMENDMENTS

A. ST. MARY'S COUNTY

1. 18-20-01 Breton Bay Farm Partnership, LLC ~174.16 acres

Request - St. Mary's County:

Request approval to exclude up to 2 acres for an unrestricted lot.

Recommendation:

Staff recommends approval.

Ms. Cousins introduced the item.

Motion #2: To approve up to 2-acres for an unrestricted lot, as presented.

Motion: Bowling Second: Dell

Status: Approved

B. WITHDRAWN

C. CARROLL COUNTY

1. 06-89-02 Hobson, Louis & Karen ~110.6 acres

King, John & Mary (contract buyers)

Request - Carroll County:

Request approval of a land exchange that will add ~2.2 acres into the easement area, in exchange for creating a 1-acre non-subdividable residential building envelope, which will remain encumbered by the MALPF easement.

Recommendation:

Per the terms of COMAR 15.15.11.03.C (2), Staff recommends approval of the request, with the following conditions:

- 1. All regulatory requirements have been met.
- 2. Transactional and survey expenses shall be split among the Hobsons and Kings.
- 3. Corrective easement shall be completed to add the new acreage to the easement and document the non-subdivideable building envelope.
- 4. The ~2.2 acre tax parcel 12 to be added to the easement shall be consolidated into existing tax parcel 195.
- 5. The previously approved owner's lot for the Hobsons must complete the preliminary release process and be subdivided at the county level from the farm prior to the sale of the property from the Hobsons to the Kings, otherwise the owner's lot right will be void.

Ms. Cable introduced the item. Mr. Smith was available to address the Board, and Mr. and Mrs. Hobson were on the phone, listening to the discussion. Ms. Cable outlined the multistep request, including the status and impact of how the transaction would continue when the Hobsons sold their farm to the Kings. Mr. Smith informed the Board that the Hobsons were already working on the necessary steps to complete the owner's lot release. Mr. Smith said the County was supportive of the request, as it would result in another farm owner in the county.

Motion #3:

To approve the request of a land exchange that will add ~2.2 acres into the easement area, in exchange for creating a 1-acre non-subdividable residential building envelope, which will remain encumbered by the MALPF easement, incorporating Staff recommendations, as presented.

Motion:

Bowling

Second:

Hill

Status:

Approved

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

A. BALTIMORE COUNTY

1. 03-23-03

Barrett, Heubeck, Alexander, & Bristow

~63.02 acres (includes unpaid acres)

Request to approve the application designating ~1.45 acres as a permitted uses envelope surrounding an existing truck storage for trash hauling business, including access. If the area ceases to be used as truck storage for a trash hauling business, the area could be used for other non-residential commercial operations that are consistent with the rural landscape and permitted by the county.

2. 03-23-06

Diane Rogge

~15.0 acres (includes unpaid acres)

Request to approve the application designating a 1.0-acre floating non-subdivideable building envelope for a future dwelling. Location of envelope will require Foundation approval at the time of request.

3. WITHDRAWN

Motion #4:

To approve the Baltimore County request as presented

Motion:

Goodall

Second:

Bowling

Status:

B. CAROLINE COUNTY

1. 05-23-01

Brown, Michael & Charlotte

~119.36 acres

(excludes withheld acres)

Request to approve the application withholding 2.0 acres for a future residential lot. The 2.0 acres will require a Declaration of Restrictions that documents one development right with the acreage.

2. 05-23-08

Neal, Dallas & Carol Ann

~68.08 acres

(excludes withheld acres)

Request to approve the application withholding 3.3 acres for a future residential lot. The 3.3 acres will require a Declaration of Restrictions that documents one development right with the acreage.

Motion #5:

To approve the Caroline County request as presented

Motion:

Goodall

Second:

Yerkes

Status:

Approved

C. FREDERICK COUNTY

1. 10-23-01

Adams, Christopher

~154.38 acres

(excludes withheld acres)

Request to approve the application withholding 2.0 acres surrounding an existing dwelling. The 2.0 acres will require a Declaration of Restrictions that documents one development right with the acreage.

2. 10-23-02

Borghardt, James & Donielle

~84.678 acres

(excludes withheld acres, includes unpaid acres)
Request to approve the application withholding 4.877 acres to be sold from the farm. The
4.877 acres consist of one development right. This is a Next Generation project. The
Next Generation contract erroneously included these 4.877 acres, which were supposed
to be a "savings and except" from the contract. MALPF will not require a Declaration of
Restrictions due to the error in the Next Generation contract.

3. WITHDRAWN

4. 10-23-04

Dotterer, Paul & Karen

~40.94 acres

(excludes withheld acres)

Request to approve the application withholding a total of ~3.67 acres. The first area is 1 acre is located in a middle density residential zoning and therefore ineligible for a MALPF easement. One development right is associated with this 1.0 acres, but since ineligible for MALPF, no declaration of restrictions are required. The second area is 2.67 acres with one development right is in process of being sold to the neighboring owner. A declaration of restrictions will be required for this portion.

5. 10-23-06

Farmer, Wyatt & Kiley

~37.687 acres

(excludes withheld acres)

Request to approve the application withholding a total of ~138.343 acres. The first area is ~2 acres of a firewood/mulch operation with no development right associated with it. A declaration of restrictions is required.

The second area is 136.343 acres that is already encumbered with a MALPF easement.

6. 10-23-08

Mount Pleasant Farm, LLC

~198.9 acres

(excludes withheld acres)

Request to approve the application withholding ~0.87 acres surrounding an existing dwelling across a public road. MALPF staff requested the small acreage to be excluded from the application, therefore a Declaration of Restrictions will not be required.

Motion #6:

To approve the Frederick County requests as presented

Motion:

Herr-Cornwell Approved Second:

Hill

Status:

D. GARRETT COUNTY

Four Mile Ridge Sportman's Association, LLC 1. 11-23-02

~119.3

(excludes withheld acres)

Request to approve the application withholding ~28.9 acres from the easement that is currently used as a wind energy operation. The ~28.9 acres will require a Declaration of Restrictions that documents one development right with the acreage.

2. 11-23-09

Sisler, Richard & Diane (life estate tenants)

~108.9 acres

(excludes withheld acres) Sisler, Timothy (Remaindermen) Request to approve the application withholding ~2.1 acres for two separate future homesites. The ~2.1 acres will each require a Declaration of Restrictions that documents one development right per each withheld area.

3. 11-23-10

Sisler, Richard & Diane (life estate tenants)

~258.2 acres

Sisler, Timothy (Remaindermen) (excludes withheld acres)
Request to approve the application withholding ~2.1 acres for two separate future homesites. The ~2.1 acres will each require a Declaration of Restrictions that documents one development right per each withheld area.

4. 11-23-11

Smith, Jason

~193 acres

(excludes withheld acres)

Request to approve the application withholding ~7 acres for two separate future homesites (a 1acre area and a 6-acre area on the other side of a public road). The ~7 acres will each require a Declaration of Restrictions that documents one development right per each withheld area.

5. 11-23-12

Stever, Harold & Virginia (life estate tenants)

~65.07 acres

Steyer, Michael (remainderman) (excludes withheld acres)

Request to approve the application withholding 3.5 acres for a future homesite. The ~3.5 acres will require a Declaration of Restrictions that documents one development right with the acreage.

Motion #7:

To approve the Garrett County requests as presented

Motion:

Second:

Herr-Cornwell

Status:

Approved

E. DORCHESTER COUNTY

1. 09-23-05

Luthy, John & Deborah

~64.75 acres

(excludes withheld acres; includes unpaid acres)
Request to approve the application withholding three non-contiguous areas (~9 acres of two marsh islands and another ~0.87 acres). As these areas are non-contiguous and therefore ineligible to be part of the MALPF easement, no declaration of restrictions are required. An additional 2.71 acres are being requested to designate as a building envelope around existing dwelling and accessory structures that will not be included in the payment calculation for the MALPF easement.

2. 09-23-08

Squirrel Hollow Limited Family Partnership

~279.57 acres

(excludes withheld acres)

Request to approve the application withholding 2 acres for a future homesite. The ~2 acres will require a Declaration of Restrictions that documents one development right with the acreage.

09-23-11

Charles Biskach, Jr.

~137.09

(excludes withheld acres)

Request to approve the application withholding 0.13 acres of non-contiguous land. As the area is non-contiguous and therefore ineligible to be part of the MALPF easement, no declaration of restriction is required.

09-23-13

Benjamin Tull & Denise Dickerson-Tull

~304 acres

(includes unpaid acres)

Request to approve the application designating 2.82 acres as a building envelope around existing dwelling and accessory structures that will not be included in the payment calculation for the MALPF easement.

Motion #8:

To approve the Dorchester County requests as presented

Motion:

Hill

Second: Herr-Cornwell

Status:

CARROLL COUNTY

1. 06-23-05

Deater, James & Jennifer

~41.5 acres

(includes unpaid acres)

Request to approve the application designating 2.0 acres as a permitted use envelope around existing dwelling and accessory structures for the current and future use for agritourism and possible future events that will not be included in the payment calculation for the MALPF easement.

2. 06-23-11

Sirian, Karen

~76 acres

(excludes withheld acres)

Request to approve the application withholding a ~7.255-acre area. The area has no development right and is in process of being sold to the neighboring owner. A declaration of restrictions will be required to document no development rights with the acreage.

Motion #9:

To approve the Carroll County requests as presented

Motion:

Dell

Second:

Kille

Status: Approved

G. QUEEN ANNE'S COUNTY

1. 17-23-03

Wye Mills Gardens, LLC

~97.31 acres

(excludes withheld acres)

Request to approve the application withholding ~1.5 acres surrounding an existing theater facilities, including access. If the area is no longer as a theater facilities, the area could be used for other non-residential commercial operations that are consistent with the rural landscape and permitted by the county. The ~1.5 acres will require a Declaration of Restrictions that documents zero development rights with the acreage.

17-23-06

Mary Alice Jackson Trust

~119.99 acres

(excludes withheld acres)

Request to approve the application withholding ~4 acres for two separate future homesites. The ~4 acres will each require a Declaration of Restrictions that documents one development right per each withheld area.

17-23-10

Whaley, April & Ralph, Jr.

~122.363 acres

(excludes withheld acres)

Request to approve the application withholding ~18.074 acres across a U.S. Route 301. A Declaration of Restrictions will not be required.

17-23-14

Lowin Farms, LLC

~133 acres

(excludes withheld acres)

Request to approve the application withholding a total of ~146.093 acres. The first area is ~30 acres across a public road and consists of one development right. A Declaration of Restrictions will be required. The second area is ~116.093 acres of a commercial solar facilities. No development rights are associated with this acreage. A Declaration of Restrictions will not be required.

5. 17-23-15

Stanton, Benjamin & Jane

~181.285 acres

(excludes withheld acres; includes unpaid acres)

Request to approve the application withholding ~1.658 acres of a current dwelling in the process of being subdivided from the farm. A Declaration of Restrictions will document the one development right. The unpaid area is ~136 acres that is already encumbered with a deed restricted open space and will be included in the MALPF easement area.

Motion #10:

To approve the Queen Anne's County requests as presented

Motion:

Herr-Cornwell

Second:

Dell

Status:

PROGRAM POLICY VI.

Α. Closing FY22 Easement Application Cycle

Ms. Cable presented the item, requesting the close of the FY22 Easement Application Cycle, subject to/with the exception of authority to proceed with any recommendations made on pending application matters addressed during today's Closed Session.

Motion #11:

To approve closing the FY22 Easement Application Cycle, as

presented

Motion:

Kille

Second:

Cosgrove

Status:

Approved

B. MARBIDCO - SANG Easement Project Assignment Request (Doney - Frederick County)

Request - MABIDCO/Frederick County:
Request approval of the assignment to MALPF of a ~21.4 easement in Frederick County, to be acquired by MARBIDCO through their Small Acreage Next Generation (SANG) Program, which will provide funding for the purchase of the farm property by the SANG applicants, Richard and Emily Doney

Recommendation:

Per the terms of COMAR 15.15.01.19, Staff recommends approval of the assignment, with the following conditions:

1. All regulatory requirements have been met.

2. The deed of easement and assignment documents shall be reviewed and approved by MALPF staff and attorneys.

3. A baseline inspection and report shall be completed by Frederick County staff, and reviewed by MALPF staff, prior to MARBIDCO scheduling settlement with the Doneys.

Ms. Cable presented the item, with Mr. McHenry, Ms. Roe, and Ms. Kubofcik available for questions from the Board. Mr. McHenry provided the Board with a history of the Next Generation Program, including the SANG Program. Ms. Cable informed the Board that this assignment request is likely the first of many from MARBIDCO. The process created here will be used to facilitate future assignment requests.

Motion #12:

To approve accepting the assignment of the MARBIDCO-SANG Doney easement, incorporating staff recommendations, as

presented

Approved

Motion: Status:

INFORMATION AND DISCUSSION

Herr-Cornwell

Second:

Hill

N/A

VII.

CLOSED SESSION VIII.

> Mr. Allen asked for a motion for adjournment of the meeting to move into a closed session, pursuant to the applicable provisions of General Provisions Article Section 3-305 (b): (3) to consider the acquisition of real property for a public purpose and matters directly related to the acquisition; and (7) to consult with counsel to obtain legal advice.

> > Motion #13:

To adjourn the regular session at 10:18 a.m. to move into a closed session to consider the acquisition of real property for a public purpose and matters directly related to the acquisition; and to

consult with counsel to obtain legal advice.

Motion:

Cosgrove

Second: Herr-Cornwell

Status:

The Closed Meeting of the Board was held from 10:27 a.m. to 10:42 a.m. on November 22, 2022 via internet and telephone conference call, pursuant to the provisions of the General Provisions Article Section 3-305 (b): Annotated Code of Maryland:

General Provisions Article Section 3-305(b):

- (3) to consider the acquisition of real property for a public purpose and matters directly related to the acquisition;
- (7) to consult with counsel to obtain legal advice.

During the Closed Meeting, the following Board members were present: William Allen, Chair, Cricket Goodall, Vice Chair, , Joanna Kille, representing Treasurer Dereck E. Davis, Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland Department of Planning, Steve Connelly, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture, Alex Butler, representing Comptroller Peter Franchot, Gilbert "Buddy" Bowling, Elizabeth Hill, Joe Wood, and J. Bruce Yerkes.

The following Board members were absent: Cathy Cosgrove, Gary Dell.

The following MALPF staff and legal representatives were also present during the closed session meeting: Michelle Cable, Chana Turner, Sarel Cousins, Kim Hoxter, Michael Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture, and Patrick Martyn, Assistant Attorney General, Maryland Department of General Services.

TOPICS DISCUSSED:

- A. Approval of October 25, 2022 Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. FY22 Easement Option Contract withdraw.

Respectfully Submitted:

Michelle Cable, MALPF Executive Director